IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5890 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRABHAT HOSPITAL PVT. LTD.

Versus

ASSISTANT PROVIDENT FUND COMMISSIONER

Appearance:

1. Special Civil Application No. 5890 of 2004

MR AMAR D MITHANI for Petitioner No. 1

MR PJ MEHTA for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 05/07/2004

ORAL JUDGEMENT

Rule. Mr.P.J.Mehta waives service of notice of rule. At the joint request of the learned advocates for the parties, the petition is taken up for final disposal

forthwith.

2. It is not in dispute that against the impugned orders dated 28.4.2003 and 24.6.2003 passed by the respondent No.1, the petitioner has preferred appeal before the Appellate Tribunal. The learned advocate for the petitioner submits that along with the appeal, petitioner has also prayed for interim relief. He submits that, however, the question of interim relief is not yet decided by the Appellate Tribunal. He submits that he would prefer to pursue the appeal filed by the petitioner, but till the question of interim relief is decided by the Appellate Tribunal, the petitioner be protected against any coercive action by the respondents.

3. The request made by the learned advocate for the petitioner is reasonable and is accepted. It is directed that till the appellate Tribunal decides the question of interim relief in the appeal, the respondents shall not take any coercive action against the petitioner to recover the outstanding dues.

4. In view of the above directions, the petition stands disposed of. Rule is made absolute to the above extent with no order as to costs.

(Akil Kureshi, J.)
(vjn)